

Remarks

The specification has been amended to change the first sentence of the specification to update the status of the parent application.

Upon entry of the present Amendment, claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136-138, 144, 149, 156, 159-169, 171-173 will be pending, with claims 79, 100, 120, 149, 156, 159 and 171 being independent. Claims 138 and 144 are withdrawn. Claims 79, 80, 81, 83-85, 87-97, 100-102, 104, 107, 111-114, 116, 117, 119-121, 131, 134, 136-138, 149, 156, 159-163 and 169 have been amended herein to more clearly define the present invention and for editorial purposes, as further discussed below.

For example, claim 93 has been amended to add the limitations, “a medical testing device...,” support for which can be found, for example, in paragraphs [0025] and [0026], and throughout the specification and the drawings as filed. More particularly, paragraph [0025] discloses that “other medical sensing devices may be provided for plugging into the microphone 136 or directly into the headset jack 121 for providing information concerning the user’s condition to a remotely located doctor.”

New claims 171-173 are presented. Support for these new claims is found in the original specification and drawings as further discussed below. No new matter has been added.

Refusal to Enter Preliminary Amendment

The Examiner refused entry of the Amendment filed on May 4, 2009 by making reference to MPEP §714.03(A) without any indication as to the nature of the alleged non-compliance. Applicant submits that the Examiner’s refusal to have the Amendment entered is in error. The

Amendment complied with at least clauses (A), (C), (E) and (F), and should have been entered. Nevertheless, this Amendment is being filed to incorporate the unentered changes.

Claims Rejections Under 35 U.S.C. § 103(a)

Claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136, 137, 149, 156 and 159-169 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,111,604 to Hashimoto et al. (hereinafter as “Hashimoto”) in view of U.S. Patent No. 5,802,467 to Salazar et al. (hereinafter as “Salazar”) and further in view of U.S. Patent No. 5,555,286 to Tendler (hereinafter as “Tendler”), U.S. Patent No. 5,495,288 to Broady et al. (hereinafter as “Broady”) and U.S. Patent No. 5,957,718 to Cheng et al. (hereinafter as “Cheng”).

Applicant respectfully traverses these rejections, as explained below.

a. cellphone

Claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136, 137, 149, 156 and 159-169 require, *inter alia*, “**a cellphone**” or “**a satellite phone**.”

The Examiner, at page 3, line 21 of the Office Action, admitted that Hashimoto does not disclose “a built-in cellular phone or satellite phone.” Instead, the Examiner, at page 4, lines 5-7 of the Office Action, asserted that “Salazar teaches a portable mobile communication and information apparatus in a housing of handheld size and weight comprising: a built-in cell phone in the housing.” For this assertion, the Examiner cited Salazar, at FIGS. 3-5 and column 21, line 59 to column 22, line 35.

However, FIGS. 1a and 1b of Salazar merely show a device having a handset device and a base station. FIG. 2 merely shows a perspective diagram view of the handset device. FIG. 3 merely shows a simplified block diagram of the handset device. FIG. 4 merely shows a

perspective view of the base station. FIG. 5 merely shows a simplified block diagram of the base station. See column 6, lines 2-19 of Salazar.

Further, Salaza, at column 6, lines 39-51, merely states:

As illustrated in FIG. 1b, external appliances and/or apparatuses may include an intercom 2, an alarm 3, an alternating current (AC) actuator 4, a TV 5, a VCR 6, a cable box 7, a sound system 8, a remote sensor 9, or any other RF/IR apparatus 11. As shown, handset 10 may communicate directly to any of the external apparatuses or directly to a base station 25. Alternately, base station 25 may communicate directly with any of the external apparatuses or handset 10. Further still, handset 10 may communicate to an external apparatus through base station 25. Finally, base station 25 may communicate through a telephone line and/or an alternating current (AC) signal power line to any other apparatus having the ability to communicate through same. (emphasis added)

Salazar, as seen in FIG. 1b, clearly discloses that the base station is connected to the telephone line, and the handset device communicates with the base station through the RF transceiver.

Salazar, in the cited passages by the Examiner, at column 21, line 59 to column 22, line 35, merely discloses a voice recorder/player embodiment and a sensor embodiment of Salazar's invention, *i.e.*, Salazar does not disclose a cellphone or a satellite phone.

Further, it should be noted that Salazar, in FIGS. 1a and 1b, clearly discloses that a wired/wireless communication is limited only to between a handset device and a base station, and between the handset device/the base station and a component of a home appliance such as an intercom, an alarm, a TV and so forth. As such, Salazar is directed to a **cordless home phone system** being able to communicate with various home or business office appliances. In other words, Salazar's system is fundamentally different from the present invention in that **Salazar utilizes a cordless phone system, which is connected to a landline**, while the mobile

communication system of the present claims requires a wireless cellphone or satellite phone utilizing a different system and frequency band.

Thus, Salazar does not teach or suggest anything relating to a built-in cellphone in the housing or a satellite phone, and Salazar does not cure the admitted deficiency of Hashimoto.

For the reasons above, withdrawal of the rejection of claims 79-98, 100-109, 111-114, 116-122, 127, 131, 134, 136, 137, 149, 156 and 159-169 is respectfully submitted.

b. cellphone having a camera

Additionally, claim 79 recites, in part, “a cellphone in the housing...having...a camera.” Claim 100 recites, in part, “a satellite phone in the housing...having...a camera.” Claim 120 recites, in part, “a cellphone in the housing includng...a camera.” Claim 156 recites, in part, “a cellphone in the housing including...a camera.” As such, claims 79, 100, 120 and 156 require **a cellphone (or satellite phone) having a camera**.

The Examiner, at page 3 of the Office Action, asserted that Hashimoto, in FIGS. 1A and 1B, discloses “a portable handheld multimedia recorder/player/cellular apparatus...comprising...video recorder including camera....”

However, Hashimoto, in FIGS. 1A and 1B, discloses “[a]n electronic camera and method of operating an electronic camera which detects whether an external device such as a personal computer is properly connected to the camera and in a state which permits communications.” See the Abstract of Hashimoto. In other words, Hashimoto merely discloses a digital camera.

Further, Salazar simply discloses a cordless home phone system, as discussed above.

Tendler merely discloses a cellular phone based emergency vessel/vehicle location system which includes a navigation unit to determine position. However, Tendler’s system does not include a camera.

Cheng merely discloses a device for receiving a memory card of a portable telephone set.

Broady merely discloses a surveillance system having a monitor, an external camera connected to the monitor by a camera cable, an event recorder connected to the monitor by a recorder cable, and an activation unit connected to the camera by an activation unit cable. However, Broady's system does not include a cellphone.

As such, Hashimoto, Salazar, Tendler, Cheng, Broady or any combination thereof do not teach, suggest or motivate, or provide any other reason for one of ordinary skill in the art to combine them to create a cellphone having a camera, as claimed.

For the reasons above, withdrawal of the rejection of claims 79, 100, 120 and 156 and their dependent claims is respectfully submitted.

c. cellphone wirelessly connecting to the Internet

Further, claim 100 recites, in part, "a satellite phone...wirelessly connected to the Internet." Claim 149 recites, in part, "the cellphone or satellite phone...selectively connecting to the Internet wirelessly." Claim 159 recites, in part, "the device being configured for wireless connection to the Internet." As such, claims 100, 149 and 159 require a cellphone wirelessly connecting to the Internet.

The Examiner, at pages 3 and 4, stated, "Hashimoto does not explicitly mention that the apparatus further comprises...and the external system is Internet." Instead, the Examiner, at page 4, lines 5-21, stated, "Since Salazar teaches...therefore, it would have been obvious to one of ordinary skill in the art...to configure the apparatus with...Internet upload/download capability."

However, as discussed above, Salazar merely discloses a cordless home telephone which does not connect to the Internet. In other words, Salazar does not disclose anything similar to the limitations of a cellphone wirelessly connecting to the Internet. As such, Salazar does not cure the

deficiency of Hashimoto. Additionally, Tendler, Cheng and Broady do not disclose a device connecting to the Internet.

Thus, Hashimoto, Salazar, Tendler, Cheng, Broady, or any combination thereof do not teach, suggest, motivate, or provide any rationale for one of ordinary skill in the art to combine them to create a cellphone connecting to the Internet. as claimed.

For at least the reasons above, withdrawal of the rejection of claims 100, 149 and 159 and their dependent claims is respectfully submitted.

d. transmit the stored moving images ... to a preselected remote telephone number

Claim 1 requires, *inter alia*, “the cellphone being configured to (a) transmit the stored moving images or combined sounds and moving images from the memory or (b) transmit images captured from the camera to a preselected remote telephone number” as recited in the fourth paragraph of claim 79. Claim 100 recites, in part, “the satellite phone is configured to send or receive still and moving images to and from the remotely located telephone or the Internet.” Claim 120 similarly recites, in part, “the cellphone...configured for transmitting generated data to the preselected address.”

The Examiner, at page 3 of the Office Action, stated that “Hashimoto discloses...means for uploading/downloading (import/export) audio/video contents to/from external systems (i.e. PC or camera or telephones) via wired/wireless connections by utilizing coupled wired/wireless transceivers such as cellular telephone...(See figs. 1A, 1B, 8-16 (sic) and col. 3, line 43 to col. 4, line 47, col. 6, line 17 to col. 10, line 40).”

However, Hashimoto, at column 7, line 4 to line 14, merely states “[t]he card interface circuit 14 controls communications **between the camera and the plug-in communication cards** which for example may function as a LAN card, a modem card either for a conventional wired

telephone system or a cellular phone, ... or any other type of communication device" (emphasis added).

Further, Hashimoto simply discloses a method of communicating between an electronic camera and an external device **by detecting the connection of the external device to the electronic camera** (see Abstract), while the instant claims require a cellphone configured to transmit moving images (or combined sounds and moving images) captured by a built-in camera **to a preselected remote telephone number**. In other words, Hashimoto's camera does not transmit images to a designated cellphone, but merely **communicates with the memory card or I/O card of an external device** that is connected via the card connector 17 (see FIG. 8).

Thus, Hashimoto does not teach or suggest a cellphone configured to transmit images stored in the memory or captured by the camera to **a preselected remote telephone number**.

For the reasons above, withdrawal of the rejection of claims 79, 100 and 120 and their dependent claims is respectfully submitted.

Additionally, Applicant further traverses the rejection of dependent claims on their own merits, as discussed below.

Claims 83, 84, 85, 104 and 160 require a socket and a replaceable memory card. For example, claim 84, as amended, recites, in part, "a socket that includes a socket opening and is configured to receive and eject the replaceable memory card longitudinally and directly to and from the socket opening and remove the card without an external control to the socket opening." Support for this amendment is found in FIGS. 1 and 3 and in paragraphs [0016] to [0018] of the specification.

The Examiner, at page 4 of the Office Action, admitted that Hashimoto does not disclose the socket and card configurations as recited in these claims. Instead, the Examiner, at page 5 of

the Office Action, asserted that Cheng, in FIGS. 1 and 4-7, and at column 2, line 35 to column 3, line 58, discloses a device with such socket and card configurations.

However, Cheng, at column 2, lines 42-46, merely states that “[a] sliding member 20 is disposed at the end surface of the portable telephone set 1 and is biased by a coil spring 30 disposed thereunder so that the sliding member 20 can slide along the end surface when it is pushed away from the open slot 60.” As such, Cheng does not disclose a socket configured to receive and eject the memory card **without an external control to the socket**. Thus, Cheng does not cure the deficiency of Hashimoto, and it is respectfully submitted that these claims patentably distinguish over Hashimoto, Salazar, Tendler, Broady, Cheng, or any combination thereof, on their own merits.

Furthermore, with regard to the dependent claims which recite the socket opening in the socket and the spring in the socket opening for ejecting the memory card, the Examiner’s attention is directed to related US Application No. 11/184,299, wherein the Examiner objected on the basis of new matter to drawing changes which illustrated the spring being positioned in a specific location inside the socket. While Applicant disagreed with the Examiner in that case, nevertheless, in order to expedite allowance of that application, the drawing changes were modified to reflect simply the positioning of the spring somewhere inside the socket opening.

Regarding claim 89, this claim, as amended, recites, in part, “the cellphone is configured to record sounds to the memory during a telephone conversation with the remotely located telephone.” Support for this amendment is found at paragraph [0019], lines 3-5, of the specification. The applied prior art does not teach or suggest the cellphone being configured to record sounds to the memory during a telephone conversation with the remotely located telephone. Thus, claim 89 patentably distinguishes over the applied prior art on its own merits.

Regarding claims 92 and 161, these claims, as amended, recite, in part, “the apparatus...having a ring signal capturing section to interrupt automatically the reproducing of data from the Internet and the memory.” Support for these amendments is found in FIG. 5 of the original drawings and paragraph [0019] of the specification. In the Office Action, the Examiner failed to specifically state how these limitations are disclosed in the prior art references. The applied prior art does not teach or suggest “the apparatus having a ring signal capturing section to interrupt automatically the reproducing of data from the Internet and the memory.” Thus, claims 92 and 161 patentably distinguish over any applied prior art on their own merits.

Regarding claims 93 and 113, these claims, as amended, recite, in part, “comprising: an electronic stethoscope...a medical testing device...recording...transmitting medical data through the cellphone...to remotely located telephone or to the Internet.” Support for these amendments is found at paragraph [0025] of the specification.

In the Office Action, the Examiner failed to specifically state how these limitations are disclosed in the prior art references. The applied prior art does not teach or suggest the above-mentioned limitations recited in claims 93 and 113. Thus, claims 93 and 113 patentably distinguish on their own merits over the applied prior art.

Applicant submits herein new claim 171 which recites different combinations of the elements recited in other independent claims, including limitations with respect to the socket and memory card recited in claim 84, for example. This new claim is fully supported by the original specification and drawings, for example, paragraph [0018] of the specification. As such, this new claim recites, *inter alia*, the distinguishing features of “a cellphone configured to connect to the Internet wirelessly...the socket opening longitudinally and manually without a separate control external to the socket opening....”

Applicant also submits herein new claims 172 and 173, which depend from claims 79 and 100, respectively, and recite additional features of the socket and memory card. Also, these new claims are supported by the original specification and drawings, for example, paragraph [0018] of the specification. As such, these new claims recite, *inter alia*, the distinguishing features of “the socket opening being configured to receive and eject the card to and from the socket opening longitudinally and manually without a separate card carrier and without a separate control external to the socket opening.”

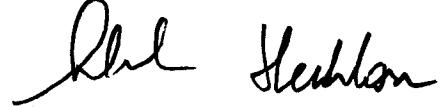
Thus, it is respectfully submitted that these new claims should be allowable.

Accordingly, reconsideration of the outstanding rejections in the Office Action, and allowance of the present application and all the claims herein, are respectfully requested and now believed to be appropriate.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
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